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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ART+COM INNOVATIONPOOL GMBH : CA NO. 14-217-RGA
: June 13, 2014
Plaintiff, :
: 11:07 o'clock a.m.
v. :
:
GOOGLE INC., :
:
Defendant, :
.....:

TRANSCRIPT OF SCHEDULING CONFERENCE
BEFORE THE HONORABLE RICHARD G. ANDREWS
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For Plaintiff: FARNAN LLP
BY: BRIAN E. FARNAN, ESQ
BY: MICHAEL J. FARNAN, ESQ

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-and-

BAKER BOTTS

BY: SCOTT F. PARTRIDGE, ESQ

For Defendant:

MORRIS, NICHOLS, ARSHT & TUNNELL

BY: JACK B. BLUMENFELD, ESQ

-and-

AKIN GUMP

BY: CONO A. CARRANO, ESQ

Court Reporter:

LEONARD A. DIBBS

Official Court Reporter

1

2

P R O C E E D I N G S

3

4

(The proceedings occurred at 11:07 o'clock a.m. as

5

follows:)

6

7

THE COURT: Good morning. This is Judge Andrews in

8

Art+Com Innovation Pool v. Google, and the Rule 16 Conference,

9

Civil Action No. 14-217.

10

Can you tell me, please, who is on the line?

11

MR. B. FARNAN: Good morning, your Honor.

12

This is Brian Farnan, as well as Michael Farnan, and we

13

have Scott Partridge from Baker Botts in Houston, Texas, on the

14

line as well.

15

THE COURT: Thank you, Mr. Farnan.

16

For Google?

17

MR. BLUMENFELD: And for Google, Your Honor, this is

18

Jack Blumenfeld and on the line is Cono Carrano from Akin Gump.

19

THE COURT: I see Mr. Carrano.

20

And Mr. Blumenfeld, is that who is on line?

21

MR. CARRANO: Yes, sir.

22

THE COURT: All right.

23

And, so, gentlemen, when you do speak, if you could say

24

your name so that Mr. Dibbs, who's writing this down, will know

25

who's speaking, and, in fact, so I will know who is speaking.

1 So I have the Rule 16, and I see -- and I do appreciate
2 Mr. Farnan, Michael Farnan, that is, highlighting on the cover
3 letter what the points of dispute are, so thank you for that.

4 Am I correct in thinking, from my looking at the
5 docket, that we're talking about one patent here that issued
6 last year and claims priority to 1995; is that right?

7 MR. PARTRIDGE: Your Honor, this is Scott Partridge.
8 That is correct.

9 THE COURT: Okay.

10 MR. PARTRIDGE: It is a reissued pat -- it was a
11 reissued patent. There was an earlier reissue and an earlier
12 original patent, but the reissued patent that is at issue,
13 issued last year, and we have just one patent, which has one
14 interested claim that is being asserted among others.

15 THE COURT: All right.

16 So, what I was thinking of, because what I'm going to
17 do is, I'm just going to pick either the plaintiff's or the
18 defendant's schedule, is there -- speaking on behalf of the
19 plaintiff, why, and please no more than one than minute, why is
20 your schedule better than the defendant's schedule?

21 MR. PARTRIDGE: Your Honor, this is Scott Partridge.

22 I think you've, in part, underscored one of the reasons
23 why, and that is that it is a one-patent case. There's only one
24 defendant. This isn't a multi-defendant case. The discovery on
25 the infringement, validity, and damages issues should be

1 relatively straightforward. We have attempted to track what
2 we've seen in some of your recent schedules and how we approach
3 this.

4 I think, when you look at the Google proposed schedule,
5 there are delays built in right up front. They are totally
6 unnecessary. I think it sets the case back about -- by two to
7 three months right from the get-go in terms of identification of
8 the accused product and -- and the steps that follow.

9 And we thought that a reasonable trial date for this
10 case was a little over two years from the filing of the case in
11 February of this year. I think we had it at 27 months or so,
12 which seemed like a reasonable period of time, and we
13 backtracked from there to fill in all of the dates.

14 Of course, all of this depends on what your schedule
15 looks like these days, your Honor, but the proposal we made we
16 thought reasonably tracked you're approach in other cases.

17 THE COURT: All right.

18 Thank you, Mr. Partridge.

19 One question is, I did see that there are three or four
20 inventors, and that they -- and, for a minute, I thought they
21 were from downstate Delaware, because I saw the patent said
22 Berlin, comma, DE, but then I realized that was probably
23 Deutschland and not Delaware.

24 And how much discovery is likely to have to take place
25 outside the United States and -- and will that be a problem?

1 MR. PARTRIDGE: You are correct, your Honor, that the
2 inventors are outside the United States. There are four of
3 them. We believe that at least three of them will be available
4 for this case, we're still working with the -- with the fourth.
5 And they're all residents in Germany at this time and we'll have
6 to work out, you know, where the depositions of those inventors
7 occur.

8 We have agreed with the other side as to a
9 proportionality figure for depositions taken in German, which is
10 26 hours allocated when and if they speak in -- in German as
11 opposed to English.

12 THE COURT: Well, I guess the question I have, and
13 maybe the answer is obvious, are there going to be any problems
14 because of German law, or the Hague Convention, or some other
15 thing that's going to make getting these depositions difficult,
16 or is it, essentially, the only problem is, which is resolvable,
17 is that they'll be -- these are German-speaking individuals and
18 -- and you've already accounted for that?

19 MR. PARTRIDGE: It's more the latter, your Honor.

20 I have met and talked to all four of them. The
21 location of the deposition, I think is really going to be the
22 issue, as opposed to whether they cooperate.

23 I would expect that the depositions will either have to
24 occur at the Embassy in Germany or in London, and it may well be
25 that one or two of them will agree to come to the United States,

1 but we'll need to work that out.

2 THE COURT: All right.

3 MR. PARTRIDGE: They are all -- they are all third
4 parties.

5 THE COURT: All right.

6 Thank you, Mr. Partridge.

7 And for the defendant's, what do you have to say?

8 MR. CARRANO: Yes, your Honor. This is Cong Carrano
9 for Google.

10 As Greg discussed, one of the issues will be that there
11 will be discovery in Germany for the inventors, as well as,
12 potentially, third parties. The schedule reflects some
13 pragmatic aspect in that.

14 And although this is a one-patent case, there are 85
15 claims, which at this point we won't know which terms are
16 asserted, so that's another complication to some extent.

17 Also, while those schedules, I think, are relatively
18 close, ours, we think, will be a more realistic view of the
19 scope of the claims, as well as the nature that discovery of the
20 inventors, essentially, the third parties will be abroad.

21 And the final point is, we don't think -- and maybe
22 counsel for plaintiffs can elaborate on this -- we don't know if
23 the inventors are going to be retained by the plaintiff's, or
24 have cooperated, or are going to be. That's just an open issue.

25 And, finally, there is one more issue.

1 There's a -- we've alleged inequitable conduct with
2 respect to one of the inventors. So it's a very key issue for
3 us in this case.

4 THE COURT: I'm sorry, Mr. Carrano, you said a very
5 what issue?

6 MR. CARRANO: A key issue for us.

7 THE COURT: A key issue.

8 MR. CARRANO: One of the inventors submitted a
9 Declaration to the Patent Office, which we think is false,
10 inaccurate, and material to the patent prosecution.

11 THE COURT: All right.

12 Well, I do -- I did look at my calendar.

13 This, as Mr. Partridge, I guess was sort of suggesting
14 is that at the outside of when I have things scheduled, so I
15 think the plaintiff's schedule is reasonable. And I think that
16 if it is set, there's every reason to believe that the parties
17 can live with it, and get the things done that they need to get
18 done.

19 So, as far as the dates go, I'm going to go with the
20 plaintiff's schedule. The proposed trial date is May 16th of
21 2016, the proposed pretrial date is May 6th of 2016 at 8:30
22 a.m., and the hearing on the claim construction would then be on
23 May 11th, 2015.

24 Do any of those dates present a known problem? Do any
25 of you have children who are graduating from college in 2016?

1 MR. PARTRIDGE: Your Honor, this is Scott Partridge.

2 We will make those dates work.

3 MR. CARRANO: Cono Carrano.

4 That's fine with us, your Honor.

5 THE COURT: All right.

6 So, then, in terms of the other issues, I think there
7 was one that I sort of wanted to hear from you on, and the
8 others I think I'm prepared to just pick one or the other.

9 As far as -- as far as the disputed Paragraph 3E about
10 the depositions, it seemed to me, without knowing for sure that
11 the main issue in dispute was, it appeared as though defendant's
12 wanted to break the hours out between themselves and third
13 parties. And, so they had more hours total, but perhaps fewer
14 hours allocated to themselves than the plaintiff wants.

15 Is that, in fact, the principle point of the dispute?

16 MR. PARTRIDGE: I -- your Honor, this is Scott
17 Partridge.

18 I think it does have an impact, because the depositions
19 we would be taking are almost exclusively going to be with
20 respect to Google. And, in this particular case, the people at
21 Google today, who developed Google Earth, and formed a company
22 called Keyhole prior to its acquisition by Google, and prior to
23 that, they were the at a company called SGI.

24 The SGI computers were used in my client's system --
25 systems since the '90's, and, so, there is need for discovery of

1 people who had access to my client's system early on. All of
2 this is evident from the Complaint.

3 And, so, we would expect that we will need depositions
4 of -- of Google, not only the normal 30(b)(6), but depositions
5 of individuals who were involved in that chronology, as well as
6 technical and financial people. So, we don't think that a
7 break-out between Google and third-party depositions is
8 appropriate in this particular case, and we would agree to a
9 total hours number to be divided up as the parties see fit as
10 discovery goes forward.

11 We're amenable to the hundred hour limit that we
12 proposed. Essentially, they're at a 130. And if we split the
13 difference, or something like that on that, we'd be fine.

14 THE COURT: All right.

15 Mr. Carrano?

16 MR. CARRANO: So, there -- obviously, there will be
17 some depositions of our people. We've allocated about,
18 essentially, seven depositions I think is an ample number, and
19 the reason why we are looking to break them out is, one good
20 reason that's very important in this case, there's a third-party
21 discovery prior art, and I think even the plaintiff's counsel
22 alluded to this, some of those folks they're looking to be
23 deposed, will be third parties.

24 But we thought limiting party depositions down to 50
25 hours, seven depositions per party was reasonable, and then

1 allocating a separate chunk of hours, as we have, the
2 third-party discovery, which I think will largely be a
3 third-party discovery case, is also appropriate.

4 THE COURT: All right.

5 So, as I'm listening to you and thinking about this, it
6 seems to me that I'm not in a good position to decide in advance
7 how much depositions of Google versus how much depositions of
8 others.

9 And, so, what I'm inclined to do is, is to take the
10 defendant's proposal, except to modify it by just saying the
11 total number of hours is a hundred and 15 hours, and the parties
12 can divide it up as they think best suits them.

13 And in terms of the -- to the extent that defendant's
14 proposal has something about how much the inventors can be
15 deposed, I would accept that.

16 And, basically, the 28 hours in English, or 48 hours in
17 German, and the way deposition time is calculated in the third
18 paragraph, I would accept that, but I don't think it's -- I
19 don't think it's a good decision, on my part, to specify how
20 much is third-party inventors and how much is Google up front.

21 You know, my experience is -- my experience is, and at
22 least my belief is that defendant's are worried about the abuse
23 of 30(b)(6) depositions, and my general belief is that
24 plaintiff's don't actually abuse on the 30(b)(6) depositions,
25 because time is valuable, and, so, they tend to use decent

1 judgment in terms of how much they do of that.

2 So, Mr. Farnan, when you resubmit this, do you
3 understand what I've said?

4 MR. B. FARNAN: Yes, your Honor.

5 THE COURT: All right.

6 In terms of --

7 MR. PARTRIDGE: Your -- your Honor, this is Scott
8 Partridge, may -- may I express one concern?

9 THE COURT: Yes.

10 MR. PARTRIDGE: My -- my concern would be if they
11 devoted virtually all hours to one of the inventors, I run the
12 risk that I have one individual who could sit for nearly 28
13 hours for his deposition the way that it's written now. That's
14 -- that is what I was worried about, that instead of balancing
15 the hours more reasonably amongst the inventors, that if they
16 decide to have one inventor sit for three or four days, I think
17 that would be asking too much of one individual.

18 It's been a long time since, I think in Federal cases,
19 parties have been allowed to keep a witness for a deposition for
20 three or four days, and I'd like to avoid that.

21 THE COURT: All right.

22 Well, thank you for bringing that up, because even
23 though I had read this in advance, maybe that point has slipped
24 by me.

25 Mr. Carrano, what you have to say about that?

1 MR. CARRANO: Yes, we don't anticipate three or four
2 days. If you want to limit it to no more than two days for any
3 inventor, that's fine.

4 THE COURT: Actually, why don't we limit it to no more
5 than ten hours in English.

6 MR. PARTRIDGE: In English.

7 THE COURT: All right?

8 MR. PARTRIDGE: That's fine, your Honor.

9 THE COURT: All right.

10 So, let's go on to next one, which is Paragraph 4A, and
11 there's a little dispute about what happens in the initial
12 discovery in patent litigation.

13 Leaving aside for the fact that this was written for a
14 multi-patent case, and we're now in a single-patent case, I
15 would like to go with the defendant's proposal where there's a
16 preliminary assertion of the claims that are allegedly
17 infringed.

18 All right?

19 MR. PARTRIDGE: That's fine, your Honor.

20 THE COURT: In Paragraph 4B, I would, again, would like
21 to go with the defendant's proposal, which I understand there,
22 you know, the provision says that they'll produce core technical
23 documents sufficient to show the structure and operation.

24 And I take it the dispute is, defendant is worried that
25 plaintiff's proposal means produce all documents, and

1 defendant's are trying to say, no, we don't have to at this
2 stage produce all documents, we just have to produce enough
3 documents.

4 And with that understanding, what the dispute is, I
5 agree with the defendant.

6 MR. PARTRIDGE: Your Honor -- your Honor, this is Scott
7 Partridge, if I may?

8 THE COURT: You may.

9 MR. PARTRIDGE: We had tracked exactly the language in
10 the default order, and we agree that we don't want all
11 documents, and did not every read the default order as requiring
12 all documents.

13 The issue here was, for example language, as opposed
14 to, but not limited to which is in the default order, and we are
15 -- our concern was whether, for example, language will result in
16 a disclosure of documents that is more general and -- and
17 focuses on one of the categories that are listed in the default
18 order, as opposed to taking into account the but not limited to
19 language that's contained in the default order.

20 THE COURT: All right.

21 So, what do you think the actual practical differences
22 between the two pieces of language is?

23 I mean I --

24 MR. PARTRIDGE: My concern is that when you say, for
25 example, that we get operation manuals, and not any source code

1 when the source code may be necessary in order to evaluate the
2 way the Google system operates for purposes of preparing
3 appropriate infringement contentions. And maybe we are all
4 talking about the same thing here, and have in mind that what --
5 whatever the productions is that needs to be in sufficient
6 detail that we can understand the operation of the Google
7 systems that will be accused here.

8 And if -- if that's the case, then, perhaps, this is a
9 distinction without a difference.

10 THE COURT: Well, I think it more or less is, because I
11 do think it's sufficient to show the structure and operation of
12 the accused products methods or systems is the key language
13 here, not the but not limited to or for example.

14 So I think, actually -- so I do think this is a
15 distinction without a difference.

16 Mr. Carrano, do you have anything to say?

17 MR. CARRANO: No, I think it's been explained fairly
18 well. I mean our -- our concern was -- we -- we understand that
19 it's got to be sufficient. We're just -- we're still early on
20 looking into what we can provide in this regard, and we just
21 didn't want to create a dispute by having to bind each category
22 document that we -- the source code is the most definitive
23 thing. We'll probably produce that in this time frame.

24 So we just wanted a little bit more latitude as to the
25 type of documents as opposed to anything else.

1 THE COURT: All right.

2 Well, you know, my reading of the language is the for
3 example, gives you more discretion as to which kinds of
4 documents to produce, but that the discretion should be guided
5 by the sufficient to show the structure of operation language,
6 so I'm going to go with your language.

7 Please don't let me down.

8 So, the next thing is Paragraph 5.

9 I'm going to delete that paragraph.

10 The next thing is Paragraph 10.

11 Oh, okay. This was the one where I was actually
12 interested in hearing from you. This issue has come up a few
13 times before, but why don't I give Mr. Partridge, you a chance
14 to speak for a minute, and then I will give Mr. Carrano a
15 chance.

16 MR. PARTRIDGE: Yes, your Honor.

17 My starting point is, the requirement in the default
18 rules about proportionality, and that there should be efforts
19 made to identify and produce relevant information.

20 The question is, whether or not a privilege log that
21 requires us to identify analog documents that have been
22 exchanged between my law firm and our client from the inception
23 of our representation, actually meets the proportionality
24 requirement.

25 When I turn and I look to the answers provided by

1 Google, in this particular case, I asked myself, what issue that
2 has been framed by them thus far actually draws into question a
3 privilege log of the type that they're seeking her, and I can't
4 find an issue that really is called into question.

5 But one that they might have argued is drawn into
6 question, which is their laches defense. We think is not an
7 appropriate defense in a patent case, based on the Supreme
8 Court's recent decision in the Raging Bull case in a copyright
9 context, which involves a statutory provision very similar to
10 the patent's statutory provision, and we have filed a motion
11 earlier this week to dismiss the laches defense.

12 And the laches defense is the basis for their claim to
13 need this kind of a log that I think the motion should be
14 decided before we get into that kind of a logging process.

15 The other issues that are in their answer that might
16 implicate this, Mr. Carrano has already identified inequitable
17 conduct, but that relates to a Declaration by one of the
18 inventors that pertains to activity from the mid-'90s as opposed
19 to anything that our log would reveal.

20 And the other defense that they've raised, that one
21 might think about in terms of a log is equitable estoppel, but
22 equitable estoppel has to do with Google's state of mind rather
23 than the state of mind of the plaintiff's here.

24 So, rather than logging hundreds of documents for
25 representations that began a couple of years ago, where there is

1 no point, other than the burden that would be imposed on us, we
2 don't think we should have the obligation to log.

3 And if down the road, during the course of the case,
4 some issue arises where such a log turns out to be relevant to
5 something, I think, at that point in time, that we can revisit
6 the subject.

7 THE COURT: Well, Mr. Partridge, you sort of obliquely
8 addressed the one question I noted that I wanted to ask you,
9 which is, when did you begin representing the plaintiff's?

10 MR. PARTRIDGE: It was more than two years ago, your
11 Honor. Actually, I don't have the exact date in front of me,
12 but my recollection was that it was early 2012, or late 2011, in
13 that time frame.

14 And during that period of time, there have been lots of
15 e-mails, so we would be in a situation of logging what I think
16 are hundreds of e-mails.

17 I asked one of my associates to give me a guess
18 estimate, and he said, probably four or 500 if you count all the
19 e-mails as individual e-mails, as opposed to chains, it would be
20 a considerable log.

21 THE COURT: And, so, one of the things, you know, the
22 language says about considering legal action for patent
23 infringement.

24 So your -- and, you know, tell me if the answer to any
25 question I ask is something that you don't want to waive

1 anything by answering the question, but if the patent issued in
2 2013, these things that were occurring more than a year before
3 the patent issued are for the purposes of considering legal
4 action for patent infringement against the defendant?

5 MR. PARTRIDGE: Yes, your Honor, and I think what you
6 need to appreciate in that regard is that the patent that issued
7 last year was a reissue of an earlier patent, which was a
8 reissue of yet, again, an earlier original patent.

9 So during that entire time period, the -- the subject
10 matter of the patent at issue here was the subject matter of
11 patents that were in this very same chain, essentially, were
12 replaced by the more a recent reissue.

13 And I would agree that in connection with the
14 prosecution of the last reissue, which my firm did, other than
15 my firm handled, that with respect to the prosecution of that
16 reissue, we can provide a privilege log that relates to that
17 prosecution activity.

18 It's a privilege log that would go to the consideration
19 of legal action in this matter that goes back to the early 2012
20 time period, or maybe even late 2011, that I don't think is
21 appropriate, given the issues that have been raised in this
22 case.

23 THE COURT: All right.

24 Thank you, Mr. Partridge.

25 Mr. Carrano?

1 MR. CARRANO: Yes, some -- some of this is important as
2 far as they were making --

3 THE COURT: Mr. Carrano, I'm sorry.

4 Unlike Mr. Partridge, you're coming through a bit
5 garbled, and I don't think that's because of the way you're
6 speaking, I think that's, perhaps, are you on a cellphone or
7 speaker phone?

8 MR. CARRANO: Yes, I'm sorry, your Honor.

9 I'm in Korea right now, so I am on a cellphone.

10 THE COURT: Okay, okay. Well, I appreciate the
11 international scope of your practice.

12 All right.

13 Well, just -- can you just talk a little bit more
14 slowly, because I think that might help?

15 MR. CARRANO: Thank you.

16 One of our concerns is, what has been discussed, is the
17 prosecution of the ratio, because that is an improper basis for
18 an inequitable conduct claim. That's why we're seeking to have
19 that -- at least that logged.

20 I think we'd be -- our concerns would be met if they --
21 I think plaintiff has already offered this -- is to log that
22 aspect, the prosecution activity, and then if there's a need to
23 seek additional logging for additional issues, we could come
24 back to the Court and seek that later in time.

25 THE COURT: It sounds like we have an agreement here.

1 MR. PARTRIDGE: We do, your Honor. That is acceptable
2 to the plaintiff.

3 THE COURT: All right.

4 Well, then I think that's admirable that we've worked
5 this out without me having to decide anything, and I think it's
6 pretty sensible with what you all have agreed to.

7 Is there anything else, in terms of the Scheduling
8 Order, that we need to address?

9 MR. PARTRIDGE: Your Honor -- Your Honor, this is Scott
10 Partridge.

11 The one thing I wanted to give you a heads-up about is
12 that the Scheduling Order does provide for a date when we submit
13 a Protective Order.

14 And the parties actually have been working on a
15 Protective Order, which originated with our using, as a base
16 model, exactly a Protective Order that was in another Google
17 case in -- in Delaware.

18 We made some modifications to tailor it to this
19 particular case, but we've tracked that, and we've had a lot of
20 back and forth about it. I do believe that we're going to need
21 a discovery hearing with respect to the Protective Order,
22 because I don't think we're going to resolve some of source code
23 issues that have been raised in the Protective Order.

24 And whether your Honor just wants to wait and see the
25 process unfold, or whether we can set a date for a discovery

1 hearing on the Protective Order, at this juncture in order to
2 move this along, I guess we would prefer the latter, but if your
3 Honor wants to wait, that's fine with us, too.

4 THE COURT: Well, Mr. Carrano, before you say anything,
5 one thing, Mr. Partridge is, just because I entered a Protective
6 Order that said something in some other Google case, at least in
7 terms of me, the chances of that meaning that I actually decided
8 the same issues that you're having now, probably unlikely.

9 I mean, as you know, most of the Protective Orders are
10 mutually agreed either one hundred percent or 99-1/2 percent
11 between the parties. Any Protective Order I actually entered,
12 the chances of it actually reflecting any thought by me are just
13 about zero.

14 So, just because -- so, at least -- so, just because I
15 signed something before that had the provisions that you now
16 want, doesn't mean that I would sign it again.

17 In any event, Mr. Carrano, what do you think?

18 MR. CARRANO: I'm -- I'm still optimistic that we can
19 reach an agreement, and we still have pretty much the rest of
20 the month to -- to resolve this.

21 So we would prefer not to schedule something at this
22 point, but, ultimately, we may have to do it.

23 MR. PARTRIDGE: That's fine with us, your Honor.

24 THE COURT: All right.

25 Well, I appreciate the heads-up, and I do think it's

1 hard to say -- I mean, realistically, we prefer to schedule
2 discovery disputes when the parties tell us that they are at an
3 impasse, not so much that they think there might be an impasse
4 coming.

5 And if -- you know, I'm going to have limited
6 availability late in the summer, so I guess the only other thing
7 I would say is, try -- try to work out your differences and
8 figure out if you are at an impasse relatively quickly, and I
9 can -- and I will be around, so that if we need to meet, I will
10 be here.

11 But then later in the summer, I may not be around for
12 awhile, all right?

13 MR. PARTRIDGE: Very well, your Honor. Thank you.

14 MR. B. FARNAN: Your Honor, this is Brian Farnan.

15 Can I ask one question?

16 THE COURT: Sure, yes.

17 MR. B. FARNAN: Did you set a time for the Claim
18 Construction Hearing.

19 THE COURT: It's in the -- oh, there's no time in
20 the -- let me see.

21 Do you know which day of the week that is, Mr. Farnan?

22 MR. BLUMENFELD: It looks like a Monday, your Honor --
23 this is Jack Blumenfeld -- and -- and we had put in 9:00 a.m.

24 THE COURT: Well, 9:00 a.m. is fine, but actually, if
25 it is a Monday, I would like to actually change that to be

1 mid-week.

2 Let me just check here.

3 All right.

4 Yes, May 11th is a Monday.

5 Can we move that to maybe -- can we move it to May
6 12th, and we can do 9:00 a.m.?

7 MR. PARTRIDGE: That's fine, your Honor.

8 MR. CARRANO: That's fine for Google.

9 THE COURT: All right. Okay.

10 Anything else?

11 MR. PARTRIDGE: Thank you for your time. I really
12 appreciate it.

13 THE COURT: All right.

14 Well, thank you. Thank you for your -- you've been
15 very helpful in this conversation today. You know, I don't
16 really like doing things on the telephone. This worked out
17 better than I would have expected.

18 In any event, I will look forward to getting from Mr.
19 Farnan an agreed-upon order in light of what we said here today.

20 And, as I said, if you reach an impasse on the
21 Protective Order, try to do it sooner rather than later, and I
22 will get you in and resolve the impasse, okay?

23 Otherwise, have a nice weekend.

24 MR. PARTRIDGE: Thank you, your Honor.

25 MR. CARRANO: Thank you, your Honor.

1 (The proceedings concluded at 11:42 o'clock a.m.)

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